

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 13-0762**

**STATE v. ORTIZ**

**Appellate Case Information**

Case Filed: 22-Oct-2013  
Case Closed:

**Dept/Composition**

**Department D**

Hon. John C Gemmill  
Hon. Donn Kessler  
Hon. Diane M Johnsen

**Side 1. STATE OF ARIZONA, Appellee**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellee**

Terry M Crist, Esq. (AZ Bar No. 28348)

**Side 2. NERY EFRAIN BLAS ORTIZ, Appellant**

(Litigant Group) NERY EFRAIN BLAS ORTIZ

- Nery Efrain Blas Ortiz

**Attorneys for: Appellant**

Stephen Whelihan, Esq. (AZ Bar No. 13448)

**CASE STATUS**

Dec 16, 2016....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2008-009274-001	See File	See File	William L Brotherton, Sentencing	JURY	

**DESCENDENT CASE(S)**

ASC CR-16-0502-PR

**OPEN DUE DATE**

Petition for Review to ASC due

**Due By:** Thursday, February 2, 2017

[1 extension]

Re: ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Donn Kessler - Author

**CASE DECISION**

**22-Nov-2016 MEMORANDUM DECISION**

Donn Kessler.....Author  
John Gemmill.....Concur  
Diane Johnsen.....Concur

Filed: 22-Nov-2016 Mandate:

Decision Disposition

**Affirmed**

**78 PROCEEDING ENTRIES**

- 22-Oct-2013 FILED: Notice of Appeal from Maricopa County Superior Court filed 10/17/13. Notification to Court Reporters dated 10/21/2013.
- 28-Oct-2013 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 11/25/2013 [sic]. Anthony Mackey ProTem Judge - Author
- 1-Nov-2013 FILED: Reporter's transcript - 06/11/2013 - Jury Trial (Melody O'Donnell)
- 18-Nov-2013 FILED: Reporter's Transcripts - 06/12/13 (Marla Arnold)
- 19-Nov-2013 FILED: Reporter's Transcripts: 06-10-13 (Marla Arnold)
- 21-Nov-2013 FILED: Reporter's Transcripts - 06/13/13 Trial Day 4 (Marla Arnold)
- 22-Nov-2013 FILED: Reporter's Transcript 08/27/13-Trial Day 23 (Marla Arnold)
- 26-Nov-2013 FILED: Courtesy Copy of Designation of Record for Appeal filed in Maricopa County Superior Court

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 13-0762**

**STATE v. ORTIZ**

**78 PROCEEDING ENTRIES**

9. 27-Nov-2013 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None
10. 27-Nov-2013 FILED: Additional Record on Appeal:  
Exhibits: Hearing date 11/5/10 - List and # 3, 5 in manila envelope; Hearing Date 6/5/13 - List and # 11, 13, 21, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 278, 280, 300, 302, 303, 304, 309, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 347, 348, 350 in white box; Confidential Criminal History in manila envelope; Sealed Items: Medical Reports in manila envelope; Motion to Change Counsel filed 6/17/10 in manila envelope; Juror Questionnaires filed 9/4/13 in manila envelope; Juror questionnaires filed 9/4/13 in manila envelope
11. 3-Dec-2013 FILED: Reporter's Transcripts - 08/14/13 - Trial - Day 17 (Vanessa Gartner)
12. 3-Dec-2013 FILED: Reporter's Transcripts - 08/13/13 - Trial - Day 16 (Vanessa Gartner)
13. 3-Dec-2013 FILED: Reporter's Transcripts - 08/19/13 - Trial - Day 18 (Vanessa Gartner)
14. 3-Dec-2013 FILED: Reporter's Transcripts - 08/20/13 - Trial - Day 19 (Vanessa Gartner)
15. 4-Dec-2013 FILED: Reporter's Transcript-08/26/13 Day 22 (Marla Arnold)
16. 6-Dec-2013 FILED: Reporter's Transcript - 7/08/10 - Oral Argument Re: Change of Counsel (Roman)
17. 7-Dec-2013 FILED: Reporter's Transcript - 8-21-13 - Trial; Afternoon Session (Court Reporter Barbara Stockford)
18. 12-Dec-2013 FILED: Reporter's Transcript - Trial - Day 24 - 8/28/2013 by (Amy Weaver)
19. 16-Dec-2013 FILED: Reporters Transcript - 8/22/13 - Trial (Marylynn LeMoine)
20. 26-Dec-2013 ORDERED: Court Reporter Brenda J Brown due date EXTENDED from Monday, 12-02-2013 to Monday, 01-27-2014 for transcript of (AM) on 06/11/2013. Hon Michael J Brown - Author
21. 26-Dec-2013 ORDERED: Court Reporter Vanessa Gartner due dates EXTENDED to 01/27/2014 for Transcripts dated 06/24/2013, 06/25/2013, 07/01/2013, 07/02/2013, 07/03/2013, 07/08/2013, 07/09/2013, 07/22/2013, 07/24/2013, 07/29/2013, 07/30/2013, 08/21/2013, 10/01/2013. Hon Michael J Brown - Author
22. 26-Dec-2013 ORDERED: Court Reporter Helene Paustian due date EXTENDED from Monday, 12-02-2013 to Monday, 01-27-2014 for transcript of (AM) on 08/22/2013. Hon Michael J Brown - Author
23. 26-Dec-2013 ORDERED: Court Reporter Amy E Stewart due date EXTENDED from Monday, 12-02-2013 to Monday, 01-27-2014 for transcript of proceedings held on 08/22/2013 Hon Michael J Brown - Author
24. 26-Dec-2013 ORDERED: Court Reporter Hilda E Lopez due dates EXTENDED to 01/27/2014 for Transcripts dated 11/05/2010, 01/21/2011, 03/25/2011, 04/08/2011. Hon Michael J Brown - Author
25. 26-Dec-2013 ORDERED: Court Reporter Gail Ferguson due date EXTENDED from Monday, 12-02-2013 to Monday, 01-27-2014 for transcript of proceedings held on 04/01/2011. Hon Michael J Brown - Author
26. 10-Jan-2014 FILED: Reporter's Transcript - 11-5-10 - Hearing - (Hilda E. Lopez)
27. 10-Jan-2014 FILED: Reporter's Transcript - 1-21-11 - Hearing Continued - (Hilda E. Lopez)
28. 23-Jan-2014 FILED: Reporter's Transcript - 03-25-2011 - Hearing - (Hilda E. Lopez)
29. 23-Jan-2014 FILED: Reporter's Transcript - 04-08-2011 - Hearing - (Hilda E. Lopez)

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 13-0762**

**STATE v. ORTIZ**

**78 PROCEEDING ENTRIES**

30.	24-Jan-2014	FILED: Reporter's Transcript - Jury Trial - 6/11/13 AM - (Brenda J Brown)
31.	27-Jan-2014	FILED: Reporter's Transcript - 8//22/13 - Jury Trial (Helene Paustian)
32.	10-Feb-2014	ORDERED: Court Reporter Gail Ferguson due date EXTENDED from Monday, 01-27-2014 to Wednesday, 03-12-2014 for transcript of proceedings held on 04/01/2011 or OSC 03/19/2014. Hon Michael J Brown - Author
33.	10-Feb-2014	ORDERED: Court Reporter Vanessa Gartner due dates EXTENDED to 03/12/2014 for transcripts dated 06/24/2013, 06/25/2013, 07/01/2013, 07/02/2013, 07/03/2013, 07/08/2013, 07/09/2013, 07/22/2013, 07/24/2013, 07/29/2013, 07/30/2013, 08/21/2013, 10/01/2013 or OSC 03/19/2014. Hon Michael J Brown - Author
34.	6-Mar-2014	FILED: Reporter's Trancripts - 07/30/13 - Trial - Day 15 (Vanessa Gartner)
35.	7-Mar-2014	FILED: Reporter's Trancripts - 06/24/13 - Trial - Day 5 (Vanessa Gartner)
36.	7-Mar-2014	FILED: Reporter's Trancripts - 06/25/13 - Trial - Day 6 (Vanessa Gartner)
37.	7-Mar-2014	FILED: Reporter's Trancripts - 07/01/13 - Trial - Day 7 (Vanessa Gartner)
38.	7-Mar-2014	FILED: Reporter's Trancripts - 07/02/13 - Trial - Day 8 (Vanessa Gartner)
39.	7-Mar-2014	FILED: Reporter's Trancripts - 07/03/13 - Trial - Day 9 (Vanessa Gartner)
40.	7-Mar-2014	FILED: Reporter's Trancripts - 07/08/13 - Trial - Day10 (Vanessa Gartner)
41.	7-Mar-2014	FILED: Reporter's Trancripts - 07/09/13 - Trial - Day11 (Vanessa Gartner)
42.	7-Mar-2014	FILED: Reporter's Trancripts - 10/01/13 - Sentencing (Vanessa Gartner)
43.	11-Mar-2014	FILED: Reporter's Trancripts - 07/22/13 - Trial - Day 12 (Vanessa Gartner)
44.	11-Mar-2014	FILED: Reporter's Trancripts - 07/24/13 - Trial - Day 13 (Vanessa Gartner)
45.	11-Mar-2014	FILED: Reporter's Trancripts - 07/29/13 - Trial - Day 14 (Vanessa Gartner)
46.	11-Mar-2014	FILED: Reporter's Trancripts - 08/21/13 - Trial - Day 20 (Vanessa Gartner)
47.	12-Mar-2014	FILED: Reporter's Transcripts: 04/01/2011 settlement conference (Gail Ferguson)
48.	18-Mar-2014	FILED: Notice of Completion of Record
49.	2-May-2014	FILED: Motion to Unseal Documents and Extend the Time for Filing the Opening Brief; Certificate of Service (Appellant)
50.	7-May-2014	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED/ Unsealing the questionnaires and jury list, Items 267 and 268, and the psychological evaluations by Dr. Luz Mogrovejo and Dr. Jack Potts, Item No. 50 for this appeal only. FURTHER ORDERED: Extend the Time for Filing the Opening Brief = GRANTED/Due date EXTENDED from Friday, 05-02-2014 to Monday, 06-16-2014. Anthony Mackey ProTem Judge - Author
51.	24-Jun-2014	FILED: Motion to Supplement the Record and Extend the Time for Filing the Opening Brief; Certificate of Service (Appellant)
52.	30-Jun-2014	FILED: Motion to Reconstruct the Record and Extend the Time for Filing the Opening Brief; Certificate of Service (Appellant)
53.	3-Jul-2014	ORDERED: MOTION TO SUPPLEMENT THE RECORD and EXTEND THE TIME FOR FILING THE OPENING BRIEF (Appellant) = GRANTED/court reporter Vanessa Gartner tile transcript held on 7/23/13 by 7/31/14. FURTHER ORDERED Clerk of Maricopa County Superior Court supplement record on appeal by forwarding certified copy of minute entry dated 7/23/13, filed on 7/30/13, fby 7/21/14. FURTHER ORDERED extending time for filing opening brief to/including 9/2/14. Anthony Mackey ProTem Judge - Author
54.	3-Jul-2014	ORDERED: MOTION TO RECONSTRUCT THE RECORD (Appellant) = GRANTED/suspending appeal to/including 8/11/14, revesting jurisdiction in superior court for purpose of permitting that court and parties to reconstruct any proceedings conducted between 7/24/13 and 7/29/13. FURTHER ORDERED superior court transmit reconstructed materials no later than 8/12/14. FURTHER ORDERED: appeal shall be automatically reinstated on 8/12/14 without further notice. Anthony Mackey ProTem Judge - Author
55.	30-Jul-2014	FILED: Reporter's Trancripts - 07/23/13 - Status Conference (PM) (Vanessa Gartner)
56.	29-Aug-2014	FILED: Reporter's Trancripts - 07/25/13 - Evidentiary Hearing Re: Defendant's Motion in Limine (Vanessa Gartner)
57.	2-Sep-2014	FILED: Motion to Extend Time To File The Opening Brief; Certificate of Service (Appellant)

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 13-0762**

**STATE v. ORTIZ**

**78 PROCEEDING ENTRIES**

58.	3-Sep-2014	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Duplicate Copies of Transcripts Filed Directly With COA 1)
59.	4-Sep-2014	ORDERED: Motion to Extend Time To File The Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 09-02-2014 to Thursday, 10-02-2014. Anthony Mackey ProTem Judge - Author
60.	2-Oct-2014	FILED: Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant)
61.	6-Oct-2014	ORDERED: Motion to Extend Time to File the Opening Brief (Appellant) due date EXTENDED from Thursday, 10-02-2014 to Monday, 11-03-2014 or OSC 11/19/2014 (Attorney Stephen Whelihan). Anthony Mackey ProTem Judge - Author
62.	3-Nov-2014	FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance with Rule 31.13 (b), ARCP; Certificate of Service (Appellant)
63.	18-Nov-2014	FILED: Notice of Appearance; Certificate of Service (Appellee)
64.	22-Dec-2014	FILED: Notice, 12/9/14, re: Attorney Stephen Whelihan moving to Maricopa Public Advocate's Office
65.	23-Dec-2014	ORDERED: Answering brief due date EXTENDED from Monday, 12-22-2014 to Wednesday, 01-21-2015. Fred Cole ProTem Judge - Author
66.	20-Jan-2015	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
67.	28-Jan-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
68.	6-Feb-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
69.	17-Feb-2015	ORDERED: Reply Brief due date EXTENDED from Tuesday, 02-17-2015 to Monday, 03-09-2015. Fred Cole ProTem Judge - Author
70.	27-Feb-2015	CLNDR: CONFERENCE, Department D, 4-7-15, COURTROOM 2.
71.	5-Mar-2015	FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
72.	10-Mar-2015	FILED: Notice of Errata; Certificate of Service (Appellee)
73.	28-Jul-2015	FILED: Notice of Supplemental Authority; Certificate of Service (Appellant)
74.	22-Nov-2016	MEMORANDUM DECISION (Affirmed) Hon Donn Kessler - Author; Hon John C Gemmill - Concur; Hon Diane M Johnsen - Concur
75.	22-Nov-2016	FILED: Memorandum Decision Distribution List
76.	7-Dec-2016	FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
77.	16-Dec-2016	ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Donn Kessler - Author
78.	19-Dec-2016	FILED: ASC Order filed 12/19/2016 re: extending time for filing Petition for Review to 02/02/2017.